



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

VIA ELECTRONIC MAIL

August 14, 2015

Mr. Jeffrey Olyphant
Peabody Midwest Mining, LLC
7100 Eagle Crest Boulevard, Suite 100
Evansville, Indiana 47715

Dear Mr. Olyphant:

Re: Request to Modify
NPDES General Permit No. ING040037
IDNR Permit No. S-0301
Peabody Midwest Mining, LLC- Francisco Mine
East of Fairview Road and north of the town of
Francisco, Indiana
Gibson County

Your NPDES permit Notice of Intent letter received on July 8, 2015, requesting modification of the above-referenced general permit coverage, has been reviewed. The following existing outfalls are to be removed from the permit:

Outfall 053 (latitude 38°, 22', 17", longitude -87°, 27', 17.6"); and
Outfall 129 (latitude 38°, 22', 02", longitude -87°, 27', 38"); both discharging to
Lost Creek.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Your letter stated that the drainage formerly reporting to Outfall 053 is now discharging through recently completed Outfall 077. Therefore Outfall 053 is no longer needed. It also stated that the drainage areas reporting to Outfall 129 have been property vegetated and are stable. Representatives of the IDNR in Jasonville, Indiana have confirmed that this is the case. Therefore our office concurs that these two outfalls may be dropped. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/cleanwater/2396.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>



Mr. Jeffrey Olyphant
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Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at (317) 232-8670.

These modifications shall become effective on **August 1, 2015**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **April 30, 2019**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

Attachment

cc: Gibson County Health Department
Mr. Todd Huff, DNR

ATTACHMENT 1

Peabody Midwest Mining LLC- Francisco Mine

NPDES PERMIT NO. ING040037

EFFECTIVE DATE: August 1, 2015

IDNR PERMIT NUMBERS S- 0301

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	S-0301 001	38°, 20', 27"	-87°, 24', 12.3"	ALKALINE	Keg Creek
006	S-0301 006	38°, 20', 55.2"	-87°, 24', 39"	ACID	Unnamed trib. To Keg Creek
011	S-0301 011	38°, 20', 16.8"	-87°, 26', 44"	POST-MINING	Lost Creek
014	S-0301 014	38°, 21', 46.8"	-87°, 24', 43.2"	ALKALINE	Keg Creek
062	S-0301 022	38°, 21', 29.4"	-87°, 26', 47"	POST-MINING	Lost Creek
072	S-0301 007C	38°, 21', 15"	-87°, 26', 25"	POST-MINING	Lost Creek
074	S-0301 07R	38°, 20', 09"	-87°, 26', 7.7"	ALKALINE	Lost Creek
075	S-0301 075R	38°, 21', 49"	-87°, 26', 21.5"	ALKALINE	Lost Creek
077	S-0301 077	38°, 22', 19"	-87°, 27', 17"	ALKALINE	Lost Creek

The following fourteen (14) outfalls have been removed and are no longer covered under this permit:

023	S-0301 023	38°, 21', 35.8"	-87°, 26', 44.6"	Outfall removed	Lost Creek
024	S-0301 024	38°, 22', 33.3"	-87°, 25', 34.5"	Outfall removed	Unnamed trib. To Patoka River
028R	S-0301 028	38°, 21', 12.3"	-87°, 27', 29.1"	POST-MINING	Unnamed trib. To Lost Creek
029	S-0301 029	38°, 22', 24.2"	-87°, 26', 44.5"	Outfall removed	Lost Creek
032	S-0301 031N	38°, 21', 12"	-87°, 27', 31.6"	Outfall removed	Unnamed trib. To Lost Creek

033	S-0301 031R	38°, 21', 9.0"	-87°, 27', 37.2"	Outfall removed	Unnamed trib. To Lost Creek
040	S-0301 050	38°, 20', 34"	-87°, 28', 16.9"	Outfall removed	Unnamed trib. To Lost Creek
041	S-0301 051	38°, 20', 34"	-87°, 28', 41.2"	Outfall removed	Unnamed trib. To Lost Creek
042	S-0301 042	38°, 20', 10.8"	-87°, 27', 53.8"	UNDETERMINED	Unnamed trib. To Lost Creek
045	S-0301 045	38°, 20', 54.5"	-87°, 27', 40.5"	POST-MINING	Unnamed trib. To Lost Creek
050	S-0301 040	38°, 20', 34"	-87°, 28', 16.9"	UNDETERMINED	Unnamed trib. To Lost Creek
052	S-0301 052	38°, 21', 35"	-87°, 26', 44.5"	POST-MINING	Lost Creek
<u>053</u>	S-0301 029	38°, 22', 17"	-87°, 27', 17.6"	<u>Outfall removed</u>	Lost Creek
<u>129</u>	S-0301 029R	38°, 22', 02"	-87°, 27', 38"	<u>Outfall removed</u>	Lost Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2015 – 8D -GP

DATE OF NOTICE: August 14, 2015

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

PEABODY MIDWEST MINING, LLC – FRANCISCO MINE, Permit No. ING040037, GIBSON COUNTY, Francisco, IN. This modification is being issued because the facility is deleting 2 outfalls that will discharge to Lost Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

2015 JUL -8 P 11:10

I. PURPOSE OF SUBMITTAL:				7/2/2015
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040037	Removal of outfall 053 and 129

II. GENERAL INFORMATION									
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.									
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
Peabody Midwest Mining, LLC Attn: Jeffrey Olyphant				1211		Gibson		S-00301	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME Peabody Midwest Mining, LLC				Latitude			Longitude		
STREET ADDRESS 7100 Eagle Crest Boulevard				Degrees	minutes	seconds	degrees	minutes	seconds
CITY Evansville,		STATE IN	ZIP CODE 47715	38°	21'	21"	87°	26'	27"
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
Peabody Midwest Mining, LLC - Francisco Mine				Township	Range		Section		Quartersection
				2S	9W		4-9, 15-18		
				2S	10W		12, 13		
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM Iid					
STREET ADDRESS CR 850E				STREET ADDRESS N/A					
CITY Francisco		STATE IN	ZIP CODE 47649	CITY N/A		STATE N/A		ZIP CODE N/A	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Jeffrey Olyphant, Authorized Representative	Andrew Nelson, Authorized Representative
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 434-8537	(812) 434-8516
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
jolyphant@peabodyenergy.com	anelson@peabodyenergy.com

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.	
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 434-8537		d. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard	
b. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		e. <u>CITY</u> Evansville	f. <u>STATE</u> IN
		g. <u>ZIP CODE</u> 47715	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		i. <u>COMPANY AND CONTACT PERSON NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.	
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 434-8537		k. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard	
i. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		l. <u>CITY</u> Evansville	m. <u>STATE</u> IN
		n. <u>ZIP CODE</u> 47715	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> Jeff Olyphant Peabody Midwest Mining, LLC	
o. <u>CONTACT TELEPHONE NUMBER</u> (812) 434-8516		r. <u>STREET ADDRESS</u> 7100 Eagle Crest Boulevard	
p. <u>CONTACT EMAIL ADDRESS</u> anelson@peabodyenergy.com		s. <u>CITY</u> Evansville	t. <u>STATE</u> IN
		u. <u>ZIP CODE</u> 47715	

V. RULE QUALIFICATION:
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.
Does this facility meet these requirements? (please check one) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.
This facility is a surface coal mine. Stormwater is collected, and passed through sediment treatment structures designed by professional engineers to detain a 10year-24hour storm event.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment VI										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

* DWBF – Dry Weather Base Flow

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
053	029	DEL	8/1/2015	The drainage formerly reporting to outfall 053 is now being directed to outfall 077. Outfall 053 is being dropped and is no longer needed.
129	029R	DEL	8/1/2015	The drainage area reporting to outfall 129 is reclaimed, well vegetated, and stable. The outfall is being dropped and is no longer needed.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please see the attached Map.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
Office of Environmental Adjudication
Indiana Government Center -- North
100 North Senate Avenue, Room N501
Indianapolis, Indiana 46204"

Please note: the public notice for this area was published with the original Notice of Intent and Renewal. This modification is for outfalls in the area previously public noticed.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please Note: No additional persons are potentially affected by the modification(s) contained herein. The original permit application/renewal included all potentially affected persons within and adjacent to the permit area.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$ 50.00 is submitted with this Notice of Intent.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

A copy of this application has been forwarded to Mr. Brad Loveless, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438 on this date.

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

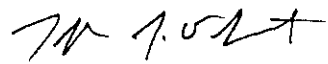
"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Jeffrey Olyphant, Authorized Representative

(812) 434-8537

Name and official title (type or print)

Area Code and phone No.


Signature

Date signed

7/2/2015

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

Attachment VI

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <u>OR if g is</u> <u>YES</u> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001	38	20	27.0	87	24	12.3	0.00	Alkaline	No	Keg Creek
006	006	38	20	55.2	87	24	39.0	0.00	Acid	No	Un Trib to Keg Creek
011	011	38	20	16.8	87	26	44.0	0.00	Reclamation	No	Lost Creek
014	014	38	21	46.8	87	24	43.2	0.00	Alkaline	No	Keg Creek
023	023	38	21	35.8	87	26	44.6	0.00	Dropped	No	Lost Creek
024	024	38	22	33.3	87	25	34.5	0.00	Dropped	No	Un Trib to Patoka River
028R	028	38	21	12.3	87	27	29.1	0.00	Dropped	No	Un Trib to Lost Creek
029	029	38	22	24.2	87	26	44.5	0.00	Dropped	No	Lost Creek
129	029R	38	22	02	87	27	38	0.00	Dropped	No	Lost Creek
032	031N	38	21	12	87	27	31.6	0.00	Dropped	No	Un Trib to Lost Creek
033	031R	38	21	9.0	87	27	37.2	0.00	Dropped	No	Un Trib to Lost Creek
040	050	38	20	34	87	28	16.9	0.00	Dropped	No	Un Trib to Lost Creek
041	051	38	20	34	87	28	41.2	0.00	Dropped	No	Un Trib to Lost Creek
042	042	38	20	10.8	7	27	53.8	0.00	Dropped	No	Un Trib to Lost Creek
045	045	38	20	54.5	87	27	40.5	0.00	Dropped	No	Un Trib to Lost Creek
050	040	38	20	34	87	28	16.9	0.00	Dropped	No	Un Trib to Lost Creek
052	052	38	21	35	87	26	44.5	0.00	Dropped	No	Lost Creek
053	029	38	22	17.0	87	27	17.6	0.00	Dropped	No	Lost Creek
062	022	38	21	29.4	87	26	47	0.00	Reclamation	No	Lost Creek
072	07C	38	21	15	87	26	25	0.00	Reclamation	No	Lost Creek
074	07R	38	20	9.0	87	26	7.7	0.00	Alkaline	No	Lost Creek
075	075R	38	21	49	87	26	21.5	0.00	Alkaline	No	Lost Creek
077	077	38	22	19	87	27	17	0.00	Alkaline	No	Lost Creek

*DWBF – Dry Weather Base Flow

